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The Armed Ship Bill Meant War

By

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The Armed Ship Bill Meant War

I.

I WAS OPPOSED to the Armed Ship Bill. Under my oath as a Senator it was my duty to do everything legitimately within my power to defeat it, and I exercised my constitutional right and discharged my constitutional obligation to defeat the measure insofar as permitted by the tyrannical action of a majority. This majority, as I believe and as I think the record plainly shows, resorted to a perversion of the rules and to the very filibustering methods which it so violently condemned, in order to prevent me from obtaining the floor to speak against the bill.

1. A PLAIN STATEMENT of the facts will, I believe, convince any unbiased mind that the majority, in dealing with the Armed Ship Bill and matters connected therewith, was not acting upon its own volition; but that it was itself so coerced by an arranged order of events that it was deprived of all independence of legislative judgment and legislative action.

It is well to remember that the 64th Congress was to expire by limitation at 12 o'clock noon on the 4th day of March.

The next regular Congress would not meet until December 3rd—a period of nine months.

If Congress was to complete its work by March 4th, it was absolutely necessary to report from Committee the appropriation bills supplying the money necessary for the several departments of government, and to report the bills in time to give them fair consideration. This was the more necessary because of the wanton and reckless extravagance in appropriations last year and the enormous increases urged upon this Congress by the Executive departments, imposing upon every Senator regardless of the interests of taxpayers already over-burdened, the obligation to scrutinize these measures with the greatest possible care.

But the appropriation bills were held back for some reason until it became a matter of comment among Senators and Representatives that the bills were to be "jammed through" in a rush at the end of the session.

As the committees of Congress are organized, a few of the majority party leaders control the business and expedite it, or otherwise, at will.

2. FOR SOME unexplained reason six bills carrying an aggregate appropriation of more than \$500,000,000 were so delayed by those having them in charge that they were not even placed before the Senate for consideration or attempted to be passed at all.

Six other great appropriation bills, carrying an aggregate of nearly a BILLION dollars, were so held back by these responsible for them that they were not passed and finally disposed of by the Senate, until the last forty-eight hours of the session, while another measure had the right of way and was the all-absorbing subject for consideration.

What was the real underlying significance of such a proceeding?

Was it to create a situation where a number of the bills might escape thorough investigation and debate? For example, the Naval Appropriation Bill will cost the people the enormous sum of \$523,000,000 for the coming year. Such a bill ought to be carefully considered and thoroughly discussed. So, too, with the Army Appropriation Bill, carrying \$278,-000,000, besides *a provision to force military training upon the American people*. Think of attempting to drive that proposition through without opportunity for deliberation and debate!

Whatever may have been the reason for the condition of legislation described—it had been brought about. It existed and presented a situation most favorable for bringing forward a measure such as the Armed Ship Bill.

3. THE CLOSING DAYS of a Congress are always a time of tremendous pressure and severe tension.

It is the one time when a measure of debatable right that has not been thoroughly considered should be kept out.

It is the one time of all others when a matter of great and momentous import to the peace of the nation should not be thrust into the gorged and swollen flood of legislation.

And it was at this time in the last fifty hours of the life of the 64th Congress, with bills pending appropriating more than a billion and a half of the people's money calling for the most critical examination of Congress, that the President demanded the passage of the bill which sought to invest him with powers which if executed must inevitably bring on war.

4. IF CONGRESS was to be called upon during that session to consider and pass upon that question fraught with its certain consequences, the country has a right to know why he waited until the last hour to present the bill.

As early as the 31st day of last January, Germany had declared her determination to prosecute from and after February first relentless submarine warfare within the limits of her designated war zone. We had definite warning. Her purpose was unmistakable.

Within fourteen days thereafter German submarines had sent two American vessels to the bottom of the sea.

And still the President waited day after day without an intimation that he would seek to secure from Congress extraordinary and unconstitutional powers, to bring on war at his discretion.

Finally in the last week of the session, the word came.

Even then his bill was not presented for consideration by Committee until 68 hours before the expiration of Congress and came before the Senate for debate less than 50 hours before adjournment with appropriation bills carrying hundreds of millions of dollars of tax burden still to be disposed of.

5. AT THIS POINT it is well for the public to understand that the right of Congress to deal with the great issue raised, in a calm, thorough and dispassionate manner which its gravity and magnitude demanded, could have been disposed of in a word from the President.

If his bill had been accompanied with a call for Congress to meet on the 5th day of March to consider the question of arming ships and employing all means and instrumentalities in the hands of this powerful government against Germany or any other foreign nation—there would have been no occasion for forcing immediate action upon the bill.

The appropriation bills could have been properly discussed and disposed of, and then Congress could have addressed itself to the orderly consideration of this war issue.

The Constitution makes Congress the only authoritative body to consider and determine the question of war with another nation.

One calmly reflecting upon this whole proceeding will find it difficult to discover a rational reason why the President should not, above all things, desire the presence of Congress at a time when the question of meeting violence with violence is to be determined.

II.

1. THE ARMED SHIP BILL provided that the President be authorized to supply our merchant vessels "with arms and also the necessary ammunition and means of making use of them;" also that the President be "authorized and empowered to employ such *other instrumentalities and methods* as may in his *judgment* and *discretion* seem necessary and adequate to protect such vessels." It appropriated \$100,000,000 to be expended by the President "for the purpose of carrying into effect the foregoing provisions."

The bill attempted to confer upon the Executive not only the authority to place guns and gunners upon merchant ships and send them to sea with orders to fire on German submarines at sight, but sought to empower the President to use any other methods and any other instrumentalities in his judgment necessary to protect such merchant ships.

2. GIVE VALIDITY and effect to such provisions and it removes every limitation upon his acts.

He might do whatever it pleased him to do and there could be no check or halt upon him.

He might decide to order our navy out to convoy merchantmen loaded with arms and ammunition, or with food and clothing and shoes for the allied armies.

He might decide that our navy should patrol the trans-Atlantic lanes through the German war zone hunting submarines in the interest of the owners of our munition ships.

He might decide that the best way to protect our merchant ships would be to land an army in Germany and destroy the Krupp works and any other manufacturing plants where Germany is constructing submarines.

Nowhere would there be lodged any power to prevent any President from doing anything his judgment dictated with the army and navy to protect the merchant ships of our war traders.

If the language of this bill does not seek to confer authority which would leave it in his discretion to make war, then there is no power in human language which could accomplish that result.

3. THE ARMED SHIP BILL is, therefore, contrary to the letter and spirit of the Constitution, which expressly vests the war power in Congress—without which provision the Constitution could not have been adopted. It was again and again affirmed in the constitutional debates that it would be dangerous to the liberty of the people to place the war-making power, and the control of the army and navy, in the hands of the Executive. In breaking away from the autocratic power of King George, the first thought of the framers of the Constitution was to be clear and specific as to this vital principle. The peoples of Europe, we are told, were plunged suddenly and hopelessly into the awful maelstrom of war through the autocratic agencies of monarchy and secret diplomacy. But the crowned heads of Europe and their diplomatic agents exercise their absolute authority under government sanction. If the President exercises it, it is in violation of expressed provisions of the Constitution.

Our Supreme Court in *Bas vs. Tingy* (4 Dallas) decided that when Congress authorized private armed ships of the United States to defend themselves against the armed ships of France, it was a declaration of war on the part of Congress, and the Court said:

“Every contention by force, between two nations in external matters, under the authority of their respective governments, is not only war, but public war.”

Congress cannot confer upon the Executive the powers invested in it. In the case of the “*Nereide*,” reported in 9th Cranch, the Supreme Court said:

“To the legislative power alone it must belong to determine, when the violence of other nations is to be met by violence.”

III.

THE ARMED SHIP BILL MEANT WAR. The public need not rely on opponents of the measure for proof of the fact; supporters of the bill in the course of the debate again and again specifically stated that it meant war.

Senator Lodge, supporter of the bill, and ranking Republican member of the Senate Committee on Foreign Relations, said:

"Mr. President, in my opinion for us to arm a vessel loaded with contraband, or to convoy a vessel loaded with contraband, would be an act of war."

Senator Fall, Republican supporter of the bill, said:

"This Act of Congress, the Senate Act, if adopted is a declaration of war, a limited declaration or a declaration of limited war."

Senator Brandegee, a Republican supporter of the bill, said:

"I am aware of the effect of this bill. * * * For myself, I would vote to-day * * * that 'whereas a state of war exists between the Teutonic Alliance and the United States of America, the President of the United States is directed to use every means to carry that war to a successful conclusion.'"

Senator Reed, an Administration supporter of the bill, said:

"The proposition is to take naval guns, perhaps to take expert gunners from our warships, and put them aboard these vessels, to sail into the prohibited zone, and, if a German periscope shows itself, to fire at the periscope, and if the boat shows itself, to send a shot or shell through it. Of course, we know the minute that is done by a vessel thus equipped, it will be treated as though it were done by a war vessel of the United States; in other words, the act will be the beginning of war. * * *

"It seems to me that it is conceded that vessels shall be armed and shall fire upon German submarines the moment they come in sight. If that is the purpose, might we not just as well plainly provide that our war vessels shall convoy our merchant vessels?"

To this Senator Walsh—next to Senator Hitchcock the most active advocate of the bill—replied:

"The principle is exactly the same."

And other Senators who championed this bill can be cited to the same effect.

IV.

1. THE TWELVE SENATORS who opposed the grant of such indefinite, unascertained and unconstitutional power as the Armed Ship Bill sought to confer upon the President, were exercising their rights and discharging their obligation under the Constitution in the same spirit that governs the Executive in the constitutional use of his veto

power, through which one man overturns the majority action of both branches of Congress.

2. AS A RESULT of their opposition, the President has convened a new Congress. The time of calling an extra session of Congress is within the President's discretion and the 65th Congress might have been convened immediately upon the expiration of the 64th making a practically continuous session. It should be noted that while a new Congress must necessarily be reorganized, the change in the personnel of the two branches of the 64th and 65th Congresses is relatively very small. There are only 62 new members out of 435 in the House of Representatives and 16 new Senators out of 96 in the Senate. The support and opposition to the bill as developed showed plainly that it was not dealt with as a partisan question by a single member of either House. Hence no party issue would have been raised on it when the new Congress convenes.

3. IN ATTEMPTING to force the Armed Ship Bill through in the last hours of the 64th Congress, the President made it plain that he desired to be left alone to exercise extraordinary and autocratic power affecting the destinies of this country and the world, from the fourth of March to the assembling of the new Congress the following December—a period of nine long months.

V.

THE LESSONS of the European war and recent events on our own continent force the conclusion that there should be no haste in taking steps that lead to war, and emphasize the fact that time to reflect is an important element in averting war.

1. IT WAS the evil system of one-man power and secret diplomacy in government that plunged the helpless peoples of Europe suddenly and hopelessly into the awful war that has been raging for the past three years with ever-increasing fury.

The one universal conviction of those who yet believe in democracy is that the first step toward prevention of war and the establishment of permanent peace is to give the people, who must bear the brunt of war's awful burden, more to say about it. The Armed Ship Bill by every standard of progress and democracy faced backward, not forward.

2. WE MIGHT have been at war with Mexico. No one accords the President higher commendation than I do, for resisting the pressure of the jingoes who would have forced us into war with our neighboring state. I believe it reflects honor upon our nation—I believe we should be

profoundly grateful—that instead of being at war with Mexico, we can today congratulate our sister Republic on the peaceful election of a President by the largest vote ever cast in that country.

3. AND YET, in order to avoid war, we had to submit to the sacrifices of property rights of our citizens in Mexico. Hundreds of citizens were killed. Women were outraged. President Wilson, however, even though American property and American rights were violated, very rightly, I believe, under the conditions, exercised his great influence to keep us out of war with Mexico. **THERE ARE TIMES WHEN IT IS THE HIGHEST NATIONAL DUTY TO SUBMIT FOR GOOD REASONS TO THE SACRIFICE OF UNDISPUTED RIGHTS FOR THE SAKE OF GREATER SERVICE TO THE COUNTRY AND TO HUMANITY.**

VI.

I AM AWARE that many good people contend, because the President has thus far succeeded in keeping us out of war, he can be entrusted with the exercise of the war power more safely than Congress. To such I would say that even if Congress could legally abdicate any of the sole powers with which it is vested by the Constitution, yet the President may err. President Wilson did err at Vera Cruz, where wholly without authority, under the guns of an American battleship, American marines were landed on foreign shores and fought a battle in which 19 American soldiers and 200 Mexicans were killed, and the city of Vera Cruz captured. Had this unauthorized act of war been committed upon the soil of Great Britain, France, Germany, or any other world power instead of poor, weak, distracted Mexico, it would have involved us in war—and President Wilson would have taken a place in history beside President Polk, of whom Webster caustically remarked when reviewing a less flagrant act, "No one declared war; Mr. Polk made it."

VII.

THE ARMED SHIP BILL was not only unconstitutional; it was, in my judgment, foolish and inadequate. It pleased the supporters of this bill to assume that it was only necessary to place guns on merchant ships in order to defend them successfully against submarine attack. There was no evidence before Congress that would warrant the conclusion that arming these ships would afford protection.

1. THE AVAILABLE evidence points to the futility of such armament. The "Laconia" was armed, but she was torpedoed twice and sunk without a chance to fire a shot. Merchant ships of the Allies are armed. Their great loss of tonnage is conclusive evidence that guns

planted on merchant ships are ineffectual in warding off submarine attack. It is criminal to lure from our harbors our merchant ships with passengers, crew and freight to embark on a voyage fraught with such imminent peril, in the belief that they may resist attack.

2. THE FIRST QUESTION we should ask ourselves, before we enter on this war with our armed merchantmen or our navy, for the express purpose of maintaining our right to the seas, is: What will happen to our ships? If it is so easy to clear the trans-Atlantic lanes of submarines, why is not the British Admiralty keeping them open and free for our commerce—since our carrying trade across the Atlantic now consists of supplies for the Allies—food and ammunition? From all we can learn it appears that the British Navy is not attempting this perilous task, but is keeping inside carefully-guarded harbors.

What assurance have we that we can clear the German war zone with armed merchantmen, or with battleships as convoys, or with any of the so-called "submarine chasers?"

Manifestly it is an undertaking which the British Admiralty declines for good and sufficient reason.

The American public is being woefully deceived. We are derided for hiding behind the British Navy. Moving pictures portray our fleet firing on submarines that instantly go to the bottom. The daily papers are filled with stuff that would lead us to believe that we need only declare war, order out our fleet to scour the seas, and the war is ended and won!

It is admitted that the submarine discharges its torpedo with deadly accuracy at a range of two to four miles.

It is admitted that the submarine, with its hull submerged several feet below the surface, and exposing nothing but its periscope, can discharge its torpedo with equal chance to achieve its purpose.

The periscope furnishes a target no larger than a sailor's cap for merchant and naval gunners to fire at.

I have the best authority for the statement that the chances of hitting a target of that size at the distance of two miles, or of damaging a submarine so submerged, would in a hundred shots be practically zero.

Would not a command to clear the seas of German submarines be analogous to the order to bring Villa out of Mexico, dead or alive? Would it not again be attempting to cope with forces beyond our power successfully to control? Are we to blindly and blunderingly enter upon an experiment, such as the British Admiralty attempted at the Dardanelles, the results of which are almost sure to be disastrous?

The one over-powering motive that might justify our entering this war is that of carrying food to the hungry in Europe; but then we should go to all the starving nations through the Baltic to the Poles who are suffering as terribly from the effects of war as are the Belgians, and

getting no relief. We should force our way through the Mediterranean to the Greeks, whose poor, we are told, are subsisting on roots and grass.

But food riots in our own great cities and the ever-increasing difficulty of the masses of people to maintain the normal standard of living—because of the world's shortage and the wicked speculation of Wall Street in the necessities of life—imperatively demand that we should not enter upon an aggressive war for humanitarian ends; much less for commercial profit in carrying munitions.

VIII.

1. THE ARMED SHIP BILL asserted the purpose to maintain our neutral rights upon the high seas. If we really mean to reclaim and assert our neutral rights to the freedom of the seas, by using the armed forces of the United States, then we should, as a neutral nation—neutral in FACT as well as in NAME—assert those rights against Great Britain and the Allies as well as against Germany; insist on access to the port of Bremen as well as to that of Liverpool; and hold all belligerents alike to strict accountability for unlawful interference with those rights.

It was the declared purpose of the Executive to use the authority which the Armed Ship Bill attempted to confer upon him to enforce our neutral rights against Germany alone. If we are to attempt to re-establish and maintain our neutral rights with the armed forces of the government, we are bound by every principle which controls in international law to assert and maintain those rights against all belligerents impartially.

2. PERHAPS some consideration of the source of the clamor for arming our ships may shed light on the real motives back of that movement. The demand came chiefly from the American Line, whose tonnage is less than five per cent. of the total tonnage of the United States engaged in foreign trade. The American Line is a subsidiary of the International Mercantile Marine Company, which in December, 1916, had 102 vessels flying the British flag, two flying the Belgian flag, and 8 flying the United States flag. The control of the International Mercantile Marine Company, prior to the war, was in England. Whether the stock control is now English or Morgan is immaterial. J. P. Morgan is its financial head in the United States today, and he is the Official Financial Agent of Great Britain in all her dealings with the people of this country.

Mr. P. A. S. Franklin, whose visits to the Navy Department to secure guns for his ships—whose interviews and movements have been featured as though he were head and front of the American merchant marine—is the active manager of these combined properties; British, Belgian, and American. When one of the American Line ships, armed with United States guns, sails out to sea, the orders to fire will be given by Mr. Franklin's master of the ship—not by the United States gunner.

The English owners give orders to Franklin. The English owners take their orders from the British Admiralty. Hence, we, professing to be a neutral nation, are placing American guns and American gunners practically under the orders of the British Admiralty.

3. ENGLAND established the first war zone in violation of international law. On November 2, 1914, she declared the North Sea and the Atlantic Ocean, from the Hebrides to Iceland, a military area. She sowed the seas with submerged mines. Our government submitted to this sweeping order, destructive of our neutral rights, without protest. Thereafter with feeble and ineffectual protest we submitted to her rifling our mails, prohibiting our commerce with the civilian population of Germany although that country is not legally blockaded, restricting our commerce with other neutral countries, blacklisting our merchants, seizing our ships and impressing them into her own service, confiscating their cargoes, and with her submerged mines sinking some of our ships and destroying American lives.

IX.

I AM OPPOSED to the United States making war upon England for her ruthless violations of our neutral rights just as I am opposed to making war upon Germany because of her relentless violation of our neutral rights.

The belligerents upon both sides are desperate to the verge of madness. Germany is bordering upon starvation. England, according to Lloyd George, is facing actual want. France is beginning to feel the pinch of hunger. Revolution, whose first warnings were food riots, has taken place in Russia. Shall we, to maintain the technical right of travel and the pursuit of commercial profits, hurl this country into the bottomless pit of the European horror? Shall we bind up our future with foreign powers and hazard the peace of this nation for all time by linking the destiny of the American democracy with the ever-menacing antagonisms of foreign monarchies?

If the neutral nations had been brought together early in this war by united action, they might have compelled the belligerents to respect neutral rights, and the force of moral power of the half of the world still at peace, might have aided an early termination of the war.

The United States might even now render the greatest service to itself, to humanity, and to the world, by calling a conference of neutral nations whose object would be to enforce the rights of neutrals. The mere suggestion that food and other supplies would be withheld from both sides, impartially, would compel all belligerents to observe the principle of freedom of the seas.

But so long as we have not risen to our opportunity and met our first manifest obligation, let us not in this late hour of a world crisis

exercise less forbearance than the other neutral powers of the world—neutral powers whose example we may well follow in keeping out of war—rather than urge upon them a policy that would certainly involve them in this terrible strife.

Whatever violation of rights or commercial loss Holland, Denmark, Norway, Sweden, Spain, Central and South America, may tolerate without sacrificing their dignity or honor, the United States is strong enough and brave enough to endure, for the sake of saving the world from being drawn into this dire catastrophe.

X.

FOR THE UNITED STATES to enter this war without consulting the other neutral nations is a fearful responsibility. All hope of concert of action is lost, and we know not what degree of chaos may follow.

And now at this time, when a crisis is approaching, when internal forces that have been gathering momentum appear to press the war to a conclusion, our intervention will confuse the issue, bring new alignments, force other neutral nations to take sides, giving to the horrible conflict, now approaching a climax, a fresh intensity, increased fierceness; and prolong it indefinitely.

We are quick to believe that we shall be able to hasten the end. It is being said now on every hand: "We do not want war, but if we go in, we will go in with all our might and make a quick finish of it."

We thought when the war broke out in Europe that it would be a bloody, but a very brief, conflict. The people of the world, shocked and paralyzed by the threatened cataclysm, took refuge in the hope that it could not last; not more than three months at most, they said. With the modern enginery of destructive warfare, we expected to witness a crushing blow and speedy termination of the struggle. Even those trained in military science looked for a terrific death-grapple that would make it the greatest and the briefest war in the world's history.

As it progressed, one country after another was drawn in. That did not end it. On the contrary, it added to the number, and multiplied the battle fronts.

And now in the third year of the war, the stricken world finds that all these efficient instruments of woe to mankind cannot accomplish a big enough slaughter to force a victory. Starvation—race starvation—starvation of men, women and children—has become the terrible, relentless, merciless issue in this war madness among civilized, Christian nations.

How can we, with the history of the past three years mapped out so vividly before us, assume that the entrance of the United States upon the bloody field will stop the war?

In God's name, let us not deceive ourselves. We stand at the head of the neutral nations, outside the territory swept by this war mania. Shall we break the peace of the neutral half of the world? Shall we take on the awful responsibility of dragging in on one side, and pushing in on the other, Norway, Sweden, Denmark, Switzerland, Spain, and it may be, South America, until every quarter and corner of the earth is one battlefield?

Who shall then set limits of time or space upon its ravages?

And for what? For commercial advantage and fat profits, beneficial to a limited number of our dollar-scarred patriots; for neutral rights which were surrendered to the belligerents on one side during the first three months of the European war!

For my part, I look upon Europe as cursed with a contagious, a deadly plague, whose spread threatens to devastate the civilized world. If it were indeed the Black Death that was mowing down its millions of victims, instead of this more ghastly war, we should not hesitate to quarantine against it; we should keep our ships in their ports and our people at home without any hesitation whatsoever; all personal consideration, all thought of material loss, or commercial inconvenience would fall before the necessity of protecting our people from being stricken with the dread disease.

I AM NOT AN EXTREMIST. I DO NOT SAY THERE MAY NOT BE SUPREME PRINCIPLES FOR WHICH MEN MUST FIGHT TO THE DEATH AS A LAST RESORT. But I do believe that as organized society in its slow evolution has developed more rational means of settling individual differences than brute force, so must the nations of the world ultimately find other ways of deciding their disagreements than war.

So far as the masses of men who are killing each other are concerned, the European war is a bootless conflict. The multitudes who are dying in the trenches, and the millions who are suffering more agonizing pain at home, do not know what it is all about. They are doing their patriotic duty as they have been told to do it, and obeying orders without daring to question.

It is unthinkable that with this awful object lesson before them the American people are nevertheless today being stampeded into war in blind thoughtlessness of its awful consequences. Thirty-seven million men are now under arms in Europe. The peace strength of the standing armies of Europe before the war began was less than five millions. It follows that more than thirty-two millions have been drawn from the farms and industrial pursuits, and placed in the trenches to be mowed down at the rate of five thousand a day. The United States, once in, will stay in to the end. Who can foretell what it means?

The United Press, from the casualty lists of the belligerent nations, estimates that more than 21,000,000 men have been killed, wounded, or reported missing to date, affecting a hundred million non-combatants.

And these brutal facts of death and mutilation only suggest the horrors of the insane conflict—women and children homeless, desecrated, starving. Already \$70,000,000,000 of debt piled up! For unnumbered years to come, generations of helpless people must bow their bended backs under the tax burdens entailed by this war of destruction. For long years to come, all the resources that should go to the world's betterment, mortgaged beyond redemption to pay for this awful holocaust! Think of it! Any economic loss because of the interruption of commerce is but a grain of sand, compared to the colossal costs of war.

Ask any plain citizen if he wants war. The involuntary answer is, "We ought to know better from the lesson in Europe." How can we justify the insistence of our right to push through the mines and submarines of the war zone, when that right is compared with the obligation to protect all the people here at home from the terrible effects of war?

If the silent masses who found opportunity for expression at the November election could today make themselves heard above this clamor for war, instigated and sustained by the money power and a subjugated press, they would, with even a stronger voice, pray God that this country be kept out of war.

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